

*LFW*

Practitioner's Docket No. ST8622US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Randal W. Eveland et al.

Confirmation No.: 1249

Application No.: 10/620,824

Group No.: 1744

Filed: July 16, 2003

Examiner: David A. Redding

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

URGENT

LETTER

Dear Sir:

Enclosed please find the Amendment, Request and Fee to Add an Erroneously Omitted Inventor under 37 C.F.R. § 1.48(a) for the above-identified patent application. The enclosed documents were originally filed July 1, 2004 by mailing to Mail Stop Commissioner for Patents. A copy of a post card acknowledging receipt by the USPTO on July 7, 2004 is also enclosed. The USPTO was contacted on February 14, 2005 for a status update concerning acceptance of the requested inventorship change. The applicant was informed that because the documents were mailed to Mail Stop Commissioner for Patents they were not received in the appropriate office (i.e., Petitions). Accordingly, the applicants now resubmits the documents originally filed on July 1, 2004. It is respectfully requested that the enclosed documents now be considered to correct the inventorship of the present application.

Please note the Issue Fee for this application is due April 11, 2005. Accordingly, expedited handling is respectfully requested.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

xx deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10*

xx with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

— facsimile transmitted to the Patent and Trademark Office, (703) _____

Laura K. Cahill
Signature
Laura K. Cahill
(type or print name of person certifying)

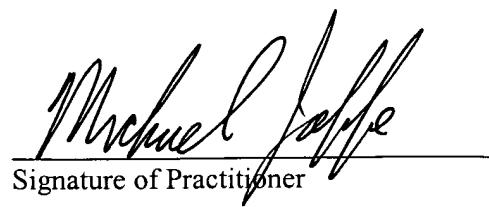
Date: February 14, 2005

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(f). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Date: February 14, 2005

Reg. No.: 36,326
Tel. No.: 440-684-1090

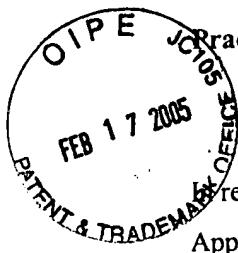
Customer No.: 22203



Signature of Practitioner

Michael A. Jaffe

Kusner & Jaffe
Highland Place - Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143



Practitioner's Docket No. ST8622US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here application of: Randal W. Eveland et al.

Confirmation No.: 1249

Application No.: 10/620,824

Group No.: Not yet known

Filed: July 16, 2003

Examiner: Not yet known

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT, REQUEST AND FEE TO DELETE AND/OR
ADD TO ORIGINAL ERRONEOUSLY NAMED OR NOT NAMED
INVENTOR(S) IN—NONPROVISIONAL APPLICATION—DECLARATION
(37 C.F.R. § 1.48(a))

1. This amendment and request is to correct the incorrect original naming of inventors in the declaration under 37 C.F.R. § 1.48(a) as set forth and filed on June 15, 2004.
2. Addition of Inventor

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.10*

with sufficient postage as first class mail.

as "Express Mail Post Office to Addressee"
Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature _____

Date: July 1, 2004

Crystal Belknap

(type or print name of person certifying)

* Only the date of filing ('1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under '1.8 continues to be taken into account in determining timeliness. See '1.703(j). Consider "Express Mail Post Office to Addressee" ('1.10) or facsimile transmission ('1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Add the following previously unnamed person as inventor of this application:

Jeffrey R. Horacek
8160 Dalton Court
Mentor, Ohio 44060
U.S. Citizen

3. Attachments

Attached is:

- (a) A statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his or her part. 37 C.F.R. § 1.48(a)(1).
- (b) A declaration by each of the actual inventors as required by 37 C.F.R. § 1.63 (or as permitted by §§ 1.42, 1.43 OR 1.47). 37 C.F.R. § 1.48(a)(2).
- (c) Written consent of the assignee, 37 C.F.R. § 1.48(a)(4).

4. Fee Payment (37 C.F.R. § 1.17(i))

The fee required by 37 C.F.R. § 1.17(i) is paid as follows:

Authorization is hereby made to charge the amount of \$130.00 to Credit card as shown on the attached credit card information authorization form PTO-2038.

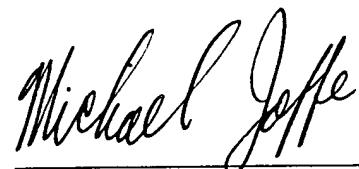
Charge any additional fees required by this paper or credit any overpayment to Deposit Account No. 50-0537.

A duplicate of this paper is attached.

Date: July 1, 2004

Reg. No.: 36,326
Tel. No.: 440-684-1090

Customer No.: 22203



Signature of Practitioner

Michael A. Jaffe

Kusner & Jaffe
Highland Place - Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143

STATEMENT OF ERROR WITHOUT DECEPTIVE INTENT
ON THE PART OF THE OMITTED INVENTOR
IN NONPROVISIONAL APPLICATION
(37 C.F.R. § 1.48(a)(1))

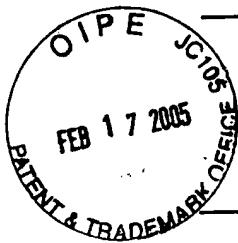
1. Identification of omitted inventor to which this statement is being made:

Jeffrey R. Horacek
8160 Dalton Court
Mentor, Ohio 44060

2. I, a person signing below, hereby state that the error in omitting the name of the inventor, as set forth in the foregoing petition under 37 C.F.R. § 1.48(a), occurred by error, without deceptive intent:

Date: 24 JUNE 2004

Jeffrey R. Horacek
Signature: Jeffrey R. Horacek

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION, OR C-I-P)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is for an original application.

INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

SELF-CONTAINED BIOLOGICAL INDICATOR

SPECIFICATION IDENTIFICATION

The specification was filed on July 16, 2003, as Serial No. 10/620,824.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

POWER OF ATTORNEY

I hereby appoint the following practitioners to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

APPOINTED PRACTITIONERS

Mark Kusner
Michael A. Jaffe
Thomas D. McClure, Jr.
Michael A. Centanni

REGISTRATION NUMBERS

31,115
36,326
54,302
34,796

I hereby appoint the practitioners associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO

Mark Kusner
Kusner & Jaffe
Highland Place - Suite 310
6151 Wilson Mills Road
Highland Heights, OH 44143

DIRECT TELEPHONE CALLS TO:

Mark Kusner
440-684-1090

Customer No.: 22203

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURES

Randal W. Eveland

Inventor's signature:

Date: 6-24-04

Country of Citizenship: U.S.

Residence: Concord, Ohio

Post Office Address: 7185 Summerhill Drive, Concord, Ohio 44077

Tricia A. Cregger

Inventor's signature: Tricia A. Cregger

Date: 4/25/04

Country of Citizenship: U.S.

Residence: Fairlawn, Ohio

Post Office Address: 2868 Bancroft Road, Fairlawn, Ohio 44333

Jeffrey R. Horacek

Inventor's signature: Jeffrey R. Horacek

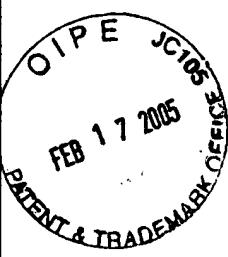
Date 24 JUNE 2004

Country of Citizenship: U.S.

Residence: Mentor, Ohio

Post Office Address: 8160 Dalton Court, Mentor, Ohio 44060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: Randal W. Eveland et al.
Application No.: 10/620,824
Filed: July 16, 2003

Confirmation No.: 1249
Group No.: Not yet known
Examiner: Not yet known

For: SELF-CONTAINED BIOLOGICAL INDICATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**ASSENT OF ASSIGNEE TO CORRECTION
AND/OR ADDITION OF INVENTOR**

Name of Assignee:

STERIS Inc.

Address of Assignee:

43425 Business Park Drive
Temecula, California 92590

Assignment is recorded herewith.

FORM PTO 1595 is attached.

Assignee hereby assents to the correction of inventorship filed herewith.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

X deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, (703) _____

Signature

Date:

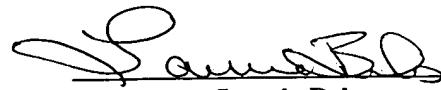
7/1/2004

Crystal Belknap

(type or print name of person certifying)

RIGHT OF ASSIGNEE TO TAKE ACTION

A "STATEMENT UNDER 37 C.F.R. § 3.73(b)" is attached.



Signature: Laurie Brlas
President, STERIS Inc.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Randal W. Eveland, et al.Application No./Patent No.: 10/620,824 Filed/Issue Date: July 16, 2003Entitled: SELF-CONTAINED BIOLOGICAL INDICATORAssignee: STERIS Inc.

(Name of Assignee)

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or2. an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document)
must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be
recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

June 29, 2004

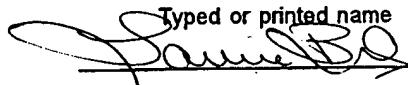
Date

(440) 354-2600

Telephone number

Laurie Brlas

Typed or printed name



Signature

President

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

For: U.S. Rights and Foreign Rights
For: U.S. Application
By: Inventors

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Randal W. Eveland
7185 Summerhill Drive
Concord, Ohio 44077
Nationality: US

Tricia A. Cregger
2868 Bancroft Road
Fairlawn Ohio 44333
Nationality: US

hereby sell, assign and transfer to

ASSIGNEE:

STERIS Inc.
43425 Business Park Drive
Temecula, California 92590
A Delaware Corporation

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

SELF-CONTAINED BIOLOGICAL INDICATOR

and which is found in (37 C.F.R. Section 3.21) U.S. patent application executed on even date herewith and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS hereby covenant that no assignment, sale, agree. . . or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal on the date(s) set forth below.

Date: Jul 23, 2003



Signature of Randal W. Eveland

Date: _____, 2003

Signature of Tricia A. Cregger

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference, litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, We have hereunto set hand and seal on the date(s) set forth below.

Date: _____, 2003

Signature of Randal W. Eveland

Date: July 11, 2003

Signature of Tricia A. Cregger

Signature of Tricia A. Cregger



For: U.S. Rights and Foreign Rights
 For: U.S. Application
 By: Inventors

ASSIGNMENT OF INVENTION

In consideration of the payment by ASSIGNEE to ASSIGNORS of the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, and for other good and valuable consideration,

ASSIGNORS:

Randal W. Eveland
 7185 Summerhill Drive
 Concord, Ohio 44077

Nationality: U.S.

Tricia A. Cregger
 2868 Bancroft Road
 Fairlawn, Ohio 44333

Nationality: U.S.

Jeffrey R. Horacek
 8160 Dalton Court
 Mentor, Ohio 44060

Nationality: U.S.

hereby sell, assign and transfer to

ASSIGNEE:

STERIS Inc.
 43425 Business Park Drive
 Temecula, California 92590

A Delaware Corporation

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

SELF-CONTAINED BIOLOGICAL INDICATOR

and which is found in (37 C.F.R. Section 3.21) U.S. application no. 10/620,824 filed on July 16, 2003 and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, renewal, or substitute thereof, and as to letters patent any reissue or re-examination thereof.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference,

litigation or proceeding related thereto and will promptly execute and deliver to ASSIGNEE or its legal representatives any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

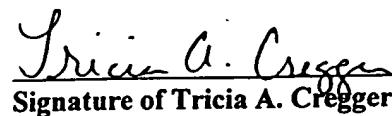
IN WITNESS WHEREOF, We have hereunto set hand and seal.

Date: 6-24-04



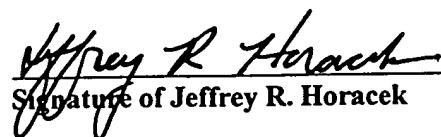
Signature of Randal W. Eveland

Date: 6-24-04

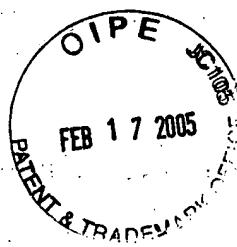


Signature of Tricia A. Cregger

Date: 24 JUNE 2004

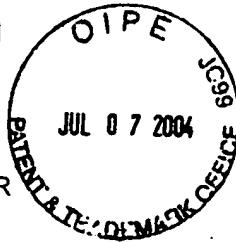


Signature of Jeffrey R. Horacek



PTO ACKNOWLEDGEMENT, POSTCARD

Date Mailed: July 1, 2004 **First Class Mail**
Application Type: Filed
Application No.: 10/620,824
Customer No.: 22203
Inventors: Randal W. Eveland et al.
Invention Title: SELF-CONTAINED BIOLOGICAL INDICATOR
Docket No.: ST8622US



DOCUMENTS MAILED:

- 1) Amdt, Request and Fee to Add to Originally Named Inventor – 2 pages
- 2) Statement of Error without Deceptive Intent – 1 page
- 3) Statement Under 37 CFR 3.73(b) w/ attachments – 6 pages
- 4) Assent of Assignee to Correction and Addition of Inventor – 2 pages
- 5) Assignment of Invention w/ cover sheet, Form PTO-1595 – 3 pages
- 6) Combined Declaration/Power of Attorney – 3 pages
- 7) Form PTO-2038 – 1 page

Charge the amount of \$170.00 to credit card. PTO-2038 is attached.

Charge Account 50-0537 for any fee deficiency required by the filing of the papers submitted herewith.

CONTACT PERSON: Michael A. Jaffe, Esq. **CONTACT NO.:** 440-684-1090